

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHIRLEY DIMPS,

Plaintiff,

-against-

NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION (DOCCS),

Defendant.
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ORDER

17 Civ. 8806 (NSR) (AEK)

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

At a hearing on December 2, 2024, the Court heard arguments regarding the discovery disputes set forth in the parties' submissions at ECF Nos. 160, 162, and 164, and resolved those disputes on the record. This order memorializes the rulings issued by the Court at the December 2, 2024 hearing.

1. By December 16, 2024, Defendant must provide a supplemental interrogatory response indicating which of the 11 numbered incidents in the Second Amended Complaint the identified witnesses are likely to have information about. Defendant is directed to indicate next to each witness's name—by listing the number(s) of the incident(s)—the incident(s) about which it believes each witness has relevant information. Defendant is not required to identify which documents from its production relate to particular incidents, or which documents it believes are relevant for particular witnesses.

2. By December 16, 2024, Defendant must complete its production of responsive, non-privileged emails.

3. By December 16, 2024, Defendant must provide a privilege log to Plaintiff, in accordance with the requirements of Local Civil Rule 26.2 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

4. By December 16, 2024, Plaintiff must provide a final, verified copy of her interrogatory responses to Defendant. As directed in the Court's October 3, 2024 order, *see* ECF No. 155, Plaintiff must sign her interrogatory responses and provide the signed responses to Defendant.

5. Plaintiff must coordinate with counsel for Defendant to find a mutually convenient date and time for Plaintiff to travel to the Attorney General's offices so that the two envelopes of materials Plaintiff has in her possession from Taconic Correctional Facility can be photocopied, as discussed at the hearing. The parties must select a weekday that falls on or before December 16, 2024, and the copying is to take place during normal business hours (*i.e.*, 9:00 a.m. – 5:00 p.m.).

6. By January 3, 2025, Defendant must submit a letter on behalf of both parties confirming the date on which Plaintiff's deposition will be held, and informing the Court of Plaintiff's decision as to whether she intends to take any depositions (and if so, which witnesses she intends to depose).

7. All depositions must be completed by January 17, 2025. As discussed at the December 2, 2024 hearing, if Plaintiff decides to take one or more depositions, the Court will entertain an application for a short extension of time for those depositions to proceed. But even if the deadline is extended to allow Plaintiff to take depositions, the deposition of the Plaintiff must take place on or before January 17, 2025.

8. Plaintiff's application for the appointment of *pro bono* counsel is DENIED WITHOUT PREJUDICE for the reasons stated on the record at the December 2, 2024 hearing. As discussed at the hearing, Plaintiff is encouraged to contact the City Bar Justice Center, as set forth on the flyer provided to Plaintiff.

9. Defendant is not required to produce any additional materials, or provide any additional response, regarding the grievances identified in Plaintiff's filing at ECF No. 135.

10. The parties are currently scheduled to have a post-discovery conference before Judge Román on January 16, 2025. Because discovery is likely to still be ongoing as of that date, the parties are hereby directed to write to Judge Román to request an adjournment of the post-discovery conference until after the completion of all discovery.

The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Plaintiff.

Dated: December 4, 2024
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge